

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAVIER BENITEZ,

Plaintiff,

v.

CITY OF RENO, *et al.*,

Defendants.

Case No. 3:24-CV-00088-MMD-CLB
**ORDER GRANTING EXTENSION OF
TIME**

[ECF No. 13]

This case involves a civil rights action filed by Plaintiff Javier Benitez ("Benitez"). Currently pending before the Court is Benitez's motion to extend time to complete service in this case. (ECF No. 13.) Previously, Benitez was ordered to complete service on the sole defendant in this case, Reno Police Department Officer Frady #14626, by August 8, 2024. (ECF No. 11.) In the motion, Benitez explains that although he sent a USM-285 form to the United States Marshall's Service, the form was never received and thus service was not completed. (ECF No. 13.) Therefore, Benitez requests additional time to resubmit the form. (*Id.*) Good cause appearing, the Court grants Benitez's motion to extend time.

IT IS THEREFORE ORDERED that the Clerk shall **RESEND** to Benitez a USM-285 form. Benitez shall have until **September 8, 2024**, to complete the USM-285 service form and return to the U.S. Marshal, 400 S. Virginia Street, 2nd Floor, Reno, Nevada 89501. Within 20 days after receiving from the U.S. Marshal a copy of the USM-285 form showing whether service has been accomplished, Benitez must file a notice with the Court identifying whether the defendant was served or not. If Benitez wishes to have service again attempted on an unserved defendant, then a motion must be filed with the Court identifying the unserved defendant and specifying a more detailed name and/or address for said defendant, or whether some other manner of service should be attempted.

Benitez is reminded that under Fed. R. Civ. P. 4(m), service must be completed

1 within **90 days** of the date of this Order. If Benitez requires additional time to meet any of
2 the deadlines set by the Court, he must file a motion for extension of time under Local
3 Rule 1A 6-1 and Local Rule 26-3 that is supported by a showing of good cause. A motion
4 filed after a deadline set by the Court or applicable rules will be denied absent a showing
5 of excusable neglect. If Benitez fails to follow this order, the above-named defendant will
6 be dismissed for failure to complete service of process pursuant to Fed. R. Civ. P. 4(m).

7 **IT IS SO ORDERED.**

8 **DATED:** August 8, 2024 .

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10 **UNITED STATES MAGISTRATE JUDGE**
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